

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

<b>IN THE MATTER OF:</b>	)	<b>Administrative Cause</b>
	)	<b>Number: 15-005F</b>
<b>READOPTION OF 312 IAC 15:</b>	)	
<b>FOREST AND RESOURCE MANAGEMENT</b>	)	
	)	<b>[LSA Document #15-157(F)]</b>

**RECOMMENDATION FOR FINAL ACTION ON READOPTION OF RULE**

**A. INTRODUCTION**

For consideration is the readoption of 312 IAC 15 in its entirety, and without amendment. In 2006 the Classified Forest Program and the Classified Wildlife Habitat Program were combined, resulting in the Classified Forest and Wildlands Program, a voluntary program for landowners. 312 IAC 15 was last readopted in 2009, and several sections were amended in 2014. This article "...provides the minimum standards of good forest and resource management for property that is classified as forest plantation land, native forest land, or wildland under IC 6-1.1-6" (312 IAC 15-1-1). 312 IAC 15 can be accessed through the Indiana General Assembly's website at:

<http://www.in.gov/legislative/iac/T03120/A00150.PDF>.

Under 312 IAC 2-2-4(b), if rules are being readopted in their current form without amendments, the Director of the Division of Hearings may approve preliminary action. The Commission retained authority to take final action on readoptions.

The Director of the Division of Hearings approved preliminary action on February 10, 2015. The standard practice is to readopt rules by article, and 312 IAC 15 is now submitted for consideration as to final action.

**B. READOPTION ANALYSIS REQUIRED UNDER IC 4-22-2.5-3.1 AND IC 4-22-2.1-5**

Brenda Huter, DNR Division of Forestry, Stewardship Coordinator, was appointed Small Business Regulatory Coordinator for the rule readoption. She provided the following analyses of potential impacts to small business for the proposed readoption of 312 IAC 15:

REVIEW UNDER IC 4-22-2.5-3.1

**The continued need for the rule.**

The rule provides guidance for the Classified Forest & Wildlands Program (IC 6-1.1-6). The rule provides definitions, minimum standards for management as referenced in IC 6-1.1-6-16(a), and options for developing descriptions of land being enrolled in the program as referred to in 6-1.1-6-9(c). The Classified Forest & Wildlands Program began in 1921 and remains one of the premier conservation programs in the nation. There are currently 761,000 acres in 15,400 tracts enrolled in the program. The program is growing at 20,000 new acres enrolled per year.

**The nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency.**

No complaints or comments received by the Division of Forestry regarding the rule.

**The complexity of the rule, including any difficulties encountered by:**

**(A) the agency in administering the rule; or**

**(B) small businesses in complying with the rule.**

There has not been any difficulties encountered administering or complying with the rule.

**The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances.**

This rule is specific to the Classified Forest & Wildlands Program. No duplication or conflict with other laws, rules, regulations, or ordinances has been identified.

**The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time.**

The rule was reviewed under this section in 2009 (6 years). Technological advances in geographic information systems (GIS), resulted in the rule being amended in 2015 to describe a process to use GIS to develop descriptions of land being enrolled in the program as allowed in IC 6-1.1-6-9(c).

REVIEW UNDER IC 4-22-2.1-5

**The degree to which the factors analyzed in a previous economic impact statement have changed since the statement was prepared.**

Factors have not changed since the last economic impact statement.

**Any regulatory alternatives included in the statement under IC 4-22-2.1-5(a)(5)**

There were no regulatory alternatives included.

**Any regulatory alternatives not considered by the agency at the time the statement was prepared could be implemented to replace one (1) or more of the rule's existing requirements**

Not applicable.

Executive Order 13-03 required agencies to “suspend rulemaking action on any proposed rules for which a notice of intent to adopt a rule...was not submitted to the office of the *Indiana Register* on or before January 14, 2013.” Financial Management Circular 2013-01 restated these requirements and added compliance information. On May 2, 2013, the Director of the Office of Management and Budget wrote to inform agency heads the moratorium set forth in Executive Order 13-03 was not applicable to readoptions.

As specified by Executive Order 2-89 and Financial Management Circular 2010-4, fiscal analyses of the rule readoption proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent to Readopt a Rule, to the Office of Management and Budget and the Legislative Council on June 19, 2015. On September 2, 2015, by letter, the Director of the State Budget Agency recommended the proposed rule readoption be approved.

### **C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION**

On June 3, 2015, the “Notice of Intent to Readopt” 312 IAC 15 was posted to the *Indiana Register* at 20150603-IR-312150157RNA, as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 15 without changes. The notice also provided that a person had 30 days to submit a written request to the Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately. No request was made.

The Commission may submit the rule for filing with the Publisher under IC 4-22-2-35 or elect the procedure for readoption under IC 4-22-2. The hearing officer recommends the

Commission approve for readoption 312 IAC 15, without amendment, for subsequent filing with the Publisher.

Dated: September 2, 2015

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Dawn Wilson  
Hearing Officer